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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,296	04/13/2004	Randall J. Ploeger	10628.00094	4573

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CHICAGO, IL 60606

EXAMINER
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NGUYEN, GEORGE BINH MINH

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,296	<b>Applicant(s)</b> PLOEGER ET AL.	
	<b>Examiner</b> George Nguyen	<b>Art Unit</b> 3723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/12/04</u> . | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 3723

### DETAILED ACTION

Receipt is acknowledged of the IDS filed on August 12, 2004 which has been considered and placed of record in the file.

Claims 1-3 are presented for examination.

This application has been filed with formal drawings which are acceptable to the examiner.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez'6,814,656 in view of Klein et al.'2004/0,173,059.

With reference to Figure 1, col. 4, lines 31-43, Rodriguez discloses the claimed invention including a rod and an abrasive disc. Please note that the preamble of "a gasket removal and cleaning" has been considered, but not given any patentable weight due to the intended use.

# DRAWINGS

## Prior Art

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Since an analysis of the prior art disks lead to the conception of the present invention, FIGS. 1-7 inclusive show the different problems of this prior art and the root of its problems.

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FIG. 1 shows a side view of a rotary tool (drill in this case) having a prior art finishing disk 20 applied flatly parallel to a surface 22. The treating action of the disk is insignificant, as the friction against the surface creates a "braking" effect, due to the centrifugal force generated by the rotary tool, as

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opposed to the orbital or oscillatory motion of dedicated sanding machines that can function properly when flatly applied against the surface being treated.

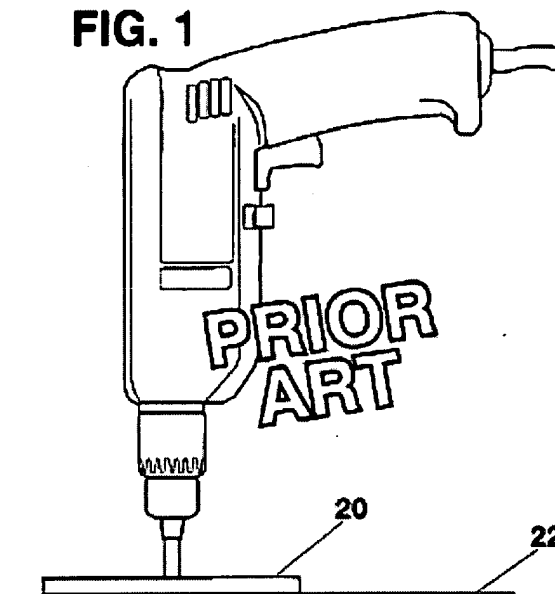
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Additionally, the rotary tool is very difficult to control when used in this fashion. Slipping of the tool is very likely to occur, which may cause harm to the operator, the operator's clothes and/or surrounding objects.

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The efforts to control the tool and the unavoidable slipping cause a vibration that provokes the recurrent disengagement of the disk and/or the sanding disks or other finishing accessories.

FIG. 1



However, Rodriguez does not teach a hollow sleeve and a retention mechanism as set forth in the claim.

With reference to Figure 5, col. 2, 5<sup>th</sup> paragraph, Klein discloses a hex-type sleeve member 23 adapted to slip fit over the outer diameter of the tube member 10, and is slidably disposable along the length of the tube member 10. Please note that the retaining means is shown a flange near the driving end. To control the tube member 10, the worker has the option of grasping the grip member 23 with one hand, and holding the driving apparatus 22 with the other to drive the drill bit 18 into the remote surface 44. The advantage of the sleeve member 23 is to provide a means to stabilize the drill.

[0017] In all cases, the inner diameter of the elongated tube member 10 will be greater than the outer diameter or greatest outer diameter of the rod member 42.

[0018] In operation, the worker slides the bushing-mounted drill bit 18 into the socket portion 16 of the elongated hollow tube member 10 and maneuvers the tube member 10 into place so that the drill bit 18 is opposite the appropriate place in a remote surface 44, typically a ceiling. To control the tube member 10, the worker has the option of grasping the grip member 23 with one hand, and holding the driving apparatus 22 with the other. The worker then proceeds to drive the drill bit 18 into the remote surface 44. After drilling a hole 46 at the pre-selected position, the tube member 10 and attached drill bit 18 is withdrawn from the remote surface 44. The spring mechanism 30 prevents the drill bit 18 from separating from the tube member 10.

[0019] Next, the worker precuts a rod member 42 to the desired length. One end 48 of the rod member is threadably secured into the head 34 of the SAMMY SUPER SCREW™ anchor 36. The other end 50 of the rod member 42 is passed

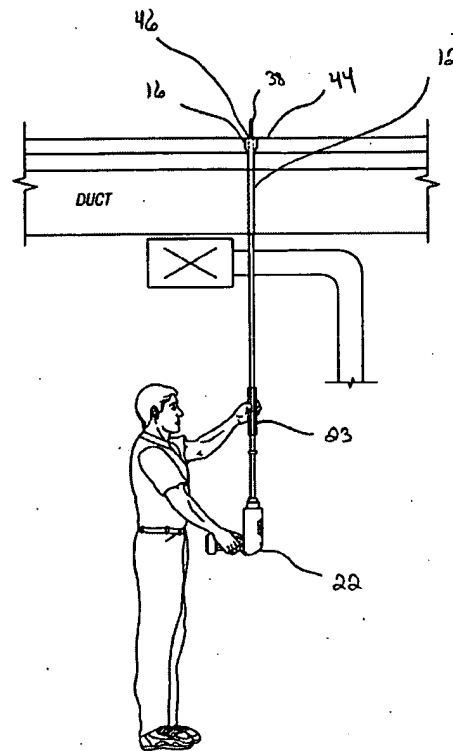


FIG. 5

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the grinding disk tool of Rodriguez with a guiding sleeve as taught by Klein in order to provide freely rotating holding means to stabilize the tool during grinding operation.

### Conclusion

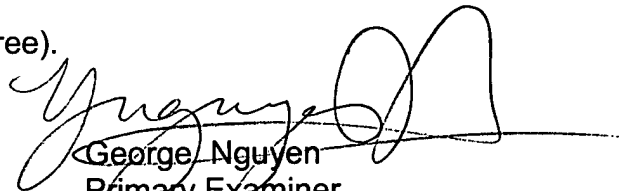
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references listed in the attached PTO-892 are provided as relevant arts for the applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Nguyen whose telephone number is 571-272-4491. The examiner can normally be reached on Monday-Friday/630AM-300PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*George Nguyen*  
*Primary Examiner*

  
George Nguyen  
Primary Examiner  
Art Unit 3723

GN – February 11, 2005